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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA  
P.O. BOX 827  
FEDERAL BUILDING  
HARRISBURG, PA 17108-0827

J. ANDREW SMYSER  
MAGISTRATE JUDGE

(717) 221-3980  
FAX 221-3979

May 15, 2001

Jeffrey B. Rettig, Esquire  
P.O. Box 999  
Harrisburg, PA 17108-0999

Peter B. McGlynn, Esquire  
Bernkopf, Goodman & Baseman LLP  
125 Summer Street  
Suite 1300  
Boston, MA 02110

**FILED**  
**HARRISBURG**

MAY 15 2001

MARY E. D'ANDREA, CLERK  
Per JS  
DEPUTY CLERK

RE: **USF&G v. BROWN**  
Civil No. 1:01-CV-0813

Dear Counsel:

This case is assigned to me, pursuant to 28 U.S.C.  
§ 636.

As soon as an answer, Rule 12 motion or entry of appearance by defendants' attorney(s) is filed, I will issue an order setting a mandatory case management conference, as mandated by Rule 16 of the Federal Rules of Civil Procedure and Rules 16.1, et seq., Rules of Court, M.D.Pa.

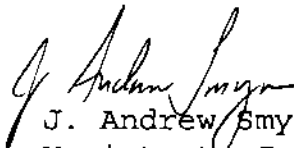
Because of the case management requirements under these Rules, it is essential that the answer or other responsive pleading, and motions, be filed at the earliest possible time. Therefore, counsel and pro se litigants shall not enter into agreements for extensions of time without seeking court approval. The court will not honor such agreements.

The parties must comply with the initial disclosures requirements of Rule 26 of the Federal Rules of Civil Procedure; this district has not opted out of that Rule. Also, counsel shall not cease active discovery efforts pending disposition of a motion to dismiss.

Your particular attention is directed to 28 U.S.C. § 636(c). Under this section, upon the parties' consent the case may proceed to trial with a magistrate judge filling the role otherwise filled by the district court judge. This case will be under the pretrial judicial authority and case management of a magistrate judge, apart from the matter of consent, pursuant to 28 U.S.C. §636(b) and M.D.Pa. LR 72 et seq. If there is consent stated under §636(c) in the joint case management plan, the case will be assigned to this magistrate judge for all purposes including trial. Whether there is consent or not, I will schedule a pretrial conference and a trial date at the case management conference. If there is not consent stated in the joint case management plan, I will nevertheless schedule a pretrial conference and trial date on my calendar, but I will also set a deadline in the case management order for the parties to inform the court of their election on the question of consent. See, LR 73.1(d). If there is not consent at that time, the pretrial conference and trial dates on my calendar will be canceled. The district court judge will set a pretrial conference and a trial list. If you have any questions about this procedure, feel free to raise them with me during the case management conference.

Any inquiries you have concerning this case and its progress should be directed to my secretary, Connie Appleby, P.O. Box 827, Federal Building, Harrisburg, Pennsylvania 17108-0827, telephone number (717) 221-3980.

Sincerely,

  
J. Andrew Smyser  
Magistrate Judge